



## APPENDIX "A"

### **Liquor Enforcement Act of 1936, Title 27, Sections 221 to 228, Inclusive**

#### 221. Citation of chapter

This chapter and sections 388-390 of Title 18 may be cited as the "Liquor Enforcement Act of 1936." (June 25, 1936, c. 815, § 1, 49 Stat. 1928).

#### 222. Definitions

(a) Wherever used in this chapter and sections 388-390 of Title 18, the word "State" shall mean and include every State, Territory, and possession of the United States, unless otherwise specifically provided.

(b) As used in this chapter and sections 388-390 of Title 18, the word "vessel" includes every description of water craft used, or capable of being used, as a means of transportation in water craft used, or capable of being used, as a means of transportation in water or in water and air; and the word "vehicle" includes animals and every description of carriage or other contrivance used, or capable of being used, as a means of transportation on land or through the air. (June 25, 1936, c. 815, § 2, 49 Stat. 1928).

#### 223. Transporting into state where sale prohibited; penalty; state definition of intoxicating liquor adopted.

(a) Whoever shall import, bring, or transport any intoxicating liquor into any State in which all sales (except for scientific, sacramental, medicinal, or mechanical

purposes) of intoxicating liquor containing more than 4 per centum of alcohol by volume are prohibited, otherwise than in the course of continuous interstate transportation through such State, or attempt so to do, or assist in so doing, shall: (1) If such liquor is not accompanied by such permit or permits, license or licenses therefor as are now or hereafter required by the laws of such State; or (2) if all importation, bringing, or transportation of intoxicating liquor into such State is prohibited by the laws thereof; be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In order to determine whether anyone importing, bringing, or transporting intoxicating liquor into any State, or anyone attempting so to do, or assisting in so doing, is acting in violation of the provisions of this chapter and sections 388-390 of Title 18, the definition of intoxicating liquor contained in the laws of such State shall be applied, but only to the extent that sales of such intoxicating liquor (except for scientific, sacramental, medicinal, and mechanical purposes) are prohibited in such State. (June 25, 1936, c. 815, § 3, 49 Stat. 1928)

## 224. Seizure and forfeiture

All intoxicating liquor involved in any violation of this chapter and sections 388-390 of Title 18, the containers of such intoxicating liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited. Such seizure and forfeiture, and the disposition of such property subsequent to seizure and forfeiture, or the disposition of the proceeds from the sale of such property, shall be in accordance with existing laws or those hereafter

in existence relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws. (June 25, 1936, c. 815, § 4, 49 Stat. 1928.)

225. Enforcement; conferring powers and duties; regulations

The Secretary of the Treasury shall enforce the provisions of this chapter and of sections 388 to 390 of Title 18.

Regulations to carry out the provisions of this chapter and sections 388-390 of Title 18 shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. (June 25, 1936, c. 815, § 5, 49 Stat. 1929) .

226. Effect on other laws; Canal Zone

Nothing contained in this chapter or sections 388-390 of Title 18 shall repeal any other provisions of existing laws except such provisions of such laws as are directly in conflict with said chapter and sections and nothing in said chapter and sections shall apply to the Canal Zone. (June 25, 1936, c. 815, § 10, 49 Stat. 1930.)

227. Separability provision

If any provision of this chapter and sections 388-390 of Title 18, or the application thereof to any person or circumstances, be held invalid, the remainder of this chapter and sections 388-390 of Title 18, and the application of such provision to other persons or circumstances, shall be not affected thereby. (June 25, 1936, c. 815, § 11, 49 Stat. 1930) .

228. Effective date

This chapter and sections 388-390 of Title 18 shall be effective as of the thirtieth day following June 25, 1936. (June 25, 1936, c. 815, § 12, 49 Stat. 1930.)

**APPENDIX "B"**

**The Oklahoma "Permit Law", Title 37, Sections 41 to 48, inclusive, Oklahoma Stat. 1941.**

41. Importation without permit unlawful

It shall be unlawful for any person, individual or corporate, to import, bring, transport, or cause to be brought or transported into the State of Oklahoma, any intoxicating liquor, as defined by the laws of this State, containing more than four (4%) percent of alcohol by volume, without a permit first secured therefor as hereinafter provided. Laws 1939, p. 16, § 1.

42. Permit for importation and transportation—Bond

Permits may be issued, as in this Act provided, for such importation and transportation of alcohol for scientific or mechanical purposes by and to such scientific institutions, universities and colleges as are authorized to secure the same free of tax under the laws of the United States, and alcohol by and to hospitals and sanitariums for medicinal use in such hospitals and sanitariums, and for the importation and transportation of alcohol to and by any apothecary, druggist, pharmacist, or manufacturing agency, who shall need same for such purpose and, who shall have executed a bond to the State of Oklahoma, approved by

the Tax Commission of the State of Oklahoma, in the sum of not less than One Thousand (\$1,000.00) Dollars, conditioned that none of said alcohol shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, or in such manufacturing business, the sale of which prescriptions, medicines, or manufactured products would not subject him or it to the payment of the special tax required of the liquor dealers by the United States. Permits may also be issued for the importation and transportation, or causing to be imported or transported into this State, of wine for sacramental purposes. No permit shall be issued to any person, or for any purpose, or for the importation of any intoxicating liquor, except as specifically authorized under this Section. Laws 1939, p. 16, §2.

43. Obtaining permit from Tax Commission—Permit to accompany shipment—Return to Commission—Cancellation—Evidence

Any person, individual, firm, corporation, or association desiring to import, bring in, or transport intoxicating liquor, containing more than four (4%) per cent of alcohol by volume, shall first secure from the Tax Commission of the State of Oklahoma, a permit as herein provided. Such permit shall accompany such intoxicating liquor at all times while being imported, brought into and transported into and in the State of Oklahoma, shall be in possession of the person or carrier transporting the same and shall, upon demand, be exhibited to any peace officer or other duly constituted agent or representative of the State of Oklahoma, or such officer of the United States of America. When said intoxicating liquor shall have reached

its destination, such permit shall be returned to the said Tax Commission and by it marked "cancelled." In any complaint, information, indictment or other proceeding laid or brought under this Act, it shall not be necessary to negative the issuance or possession of a permit, and the burden of establishing such issuance and possession shall be upon the person or party claiming the benefit thereof. Failure to produce and exhibit such a permit upon demand as provided in this Act, shall constitute prima facie evidence of the lack of such permit. Laws 1939, p. 17, §3.

#### 44. Application for permit—Form and contents—Verification

The application for such permit shall be in writing, duly verified, upon a form approved by said Tax Commission, and shall include the date, name of the applicant, name and location of the person, firm or corporation from whom said intoxicating liquor is to be bought or procured, the kind, character, quality and quantity thereof, the purpose for which it is to be used, the date and amount of last importation, and amount remaining on hand; that applicant has never been convicted of violating the prohibitory liquor laws of the State of Oklahoma or of any law of the United States, and that he has not sold or used, in violation of the laws of Oklahoma, any intoxicating liquor theretofore secured under the provisions of this Act. Said application must be verified by the applicant or by the president, vice-president, secretary, or manager of the corporation, association, or organization making such application. Applications for permits for importation of wine for sacramental purposes shall be verified by a minister, priest, pastor, or duly authorized official of the

church or organization for which such application is made. Laws 1939, p. 17, § 4.

45. Permit—Form and contents—Effective period—Application—Execution—Record

The permit provided for by the terms of this Act shall be upon a form prepared by the Attorney General of the State and approved by the Tax Commission and shall be executed by the Tax Commission and attested by the Secretary of State under the seal of the State. It shall include the date, name of the applicant, name and location of the person, firm or corporation from whom such liquor is to be bought or procured, the kind, character, quality and quantity thereof, and the purpose for which it is to be used. The application and permit shall contain such additional provisions as may be prescribed by the said Tax Commission or by rules and regulations, not inconsistent herewith, as prepared by the Attorney General and then adopted by the Governor. Any such permit shall be valid and in effect for a period of fifteen (15) days from and after the date thereof. No permit shall be issued except upon the filing of a proper and sufficient application as provided by this Act, nor unless the said Tax Commission shall find that said application is in good faith and that such liquor is to be brought into the State for a lawful purpose, as herein defined. The execution of a permit by the Tax Commission shall be by a member of the Commission or by its chief clerk and the attestation of the Secretary of State shall be made a matter of permanent record in the office of the Secretary of State. Laws 1939, p. 18, § 5.



46. Penalty for violation of Act

Any person violating any of the provisions of this Act shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars and by imprisonment of not less than thirty (30) days in the county jail nor more than five (5) years in the State Penitentiary. Laws 1939, p. 18, §6.

47. Fees—Payment into state treasury

The said Tax Commission and the Secretary of State shall each charge and collect a fee of Two (\$2.00) Dollars for each of said permits so issued, which fund shall be paid into the State Treasury. Laws 1939, p. 18, §7.

48. Inapplicability to search warrants

Nothing in this Act shall be construed to change or affect the law of this State applicable to search warrants. Laws 1939, p. 19, § 10.